

# HOUSE BILL No. 1206

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-47-2.

**Synopsis:** Handgun licenses and ammunition. Limits the size of a license to carry a handgun. Specifies certain information that must be obtained before a person may deliver ammunition for a handgun to another person. Requires the transferor of the handgun ammunition to forward information about the transfer to the superintendent of the state police department.

**Effective:** Upon passage; July 1, 2005.

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**Smith V**

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January 6, 2005, read first time and referred to Committee on Public Safety and Homeland Security.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1206

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-47-2-3 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A person desiring  
3 a license to carry a handgun shall apply:

4 (1) to the chief of police or corresponding law enforcement officer  
5 of the municipality in which the applicant resides;

6 (2) if that municipality has no such officer, or if the applicant does  
7 not reside in a municipality, to the sheriff of the county in which  
8 the applicant resides after the applicant has obtained an  
9 application form prescribed by the superintendent; or

10 (3) if the applicant is a resident of another state and has a regular  
11 place of business or employment in Indiana, to the sheriff of the  
12 county in which the applicant has a regular place of business or  
13 employment.

14 (b) The law enforcement agency which accepts an application for a  
15 handgun license shall collect a ten dollar (\$10) application fee, five  
16 dollars (\$5) of which shall be refunded if the license is not issued.  
17 Except as provided in subsection (h), the fee shall be:

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(1) deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund; and

(2) used by the agency for the purpose of:

(A) training law enforcement officers in the proper use of firearms or other law enforcement duties; or

(B) purchasing for the law enforcement officers employed by the law enforcement agency firearms, or firearm related equipment, or both.

The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain the applicant's name, full address, length of residence in the community, whether the applicant's residence is located within the limits of any city or town, the applicant's occupation, place of business or employment, criminal record, if any, ~~and~~ convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun, and, if so, the serial number of the license and year issued, whether the applicant's license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information ~~together~~ with ~~his~~ **the officer's** recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation the superintendent ~~deems~~ **considers** necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant has a proper reason for carrying a handgun and is of good character and reputation and **is** a proper person to be so licensed, the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained

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by the superintendent for at least four (4) years. This license shall be valid for a period of four (4) years from the date of issue. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of such individuals. However, such lifetime licenses are automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

(1) neither opposes nor supports an individual's right to bear arms; and

(2) is:

(A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;

(B) prepared by the state police department; and

(C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who:

(1) has been convicted of a felony;

(2) is under eighteen (18) years of age;

(3) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or

(4) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (4), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under

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subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued under this chapter:

(1) changes the person's name; or

(2) changes the person's address;

the person shall, not later than sixty (60) days after the date of the change, notify the superintendent, in writing, of the person's new name or new address.

(j) The state police shall indicate on the form for a license to carry a handgun the notification requirements of subsection (i).

**(k) A license to carry a handgun issued or renewed under this chapter after December 31, 2005, must be not more than two and one-fourth (2 1/4) inches by three and one-half (3 1/2) inches in size.**

**(l) The superintendent shall prescribe specifications for the form of a license issued under this section.**

SECTION 2. IC 35-47-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) A person who violates section 3, 4, 5, 14, 15, or 16 of this chapter commits a Class B misdemeanor.

(b) A person who violates section 7, 17, or 18 of this chapter commits a Class C felony.

(c) A person who violates section 1 **or 25** of this chapter commits a Class A misdemeanor. However, ~~the offense~~ **a violation of section 1 of this chapter** is a Class C felony:

(1) if the offense is committed:

(A) on or in school property;

(B) within one thousand (1,000) feet of school property; or

(C) on a school bus; or

(2) if the person:

(A) has a prior conviction of any offense under:

(i) this subsection; or

(ii) subsection (d); or

(B) has been convicted of a felony within fifteen (15) years before the date of the offense.

(d) A person who violates section 22 of this chapter commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior conviction of any offense under this subsection or subsection (c), or if the person has been convicted of a felony within fifteen (15) years before the date of the offense.

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SECTION 3. IC 35-47-2-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 25. If a person seeks to secure delivery of ammunition for a handgun from another person, the following requirements must be met:**

(1) The recipient of the handgun ammunition must present the transferor of the handgun ammunition with all the following:

(A) The recipient's license issued under this chapter if the recipient is required to obtain a license to carry a handgun.

(B) A copy of the federal handgun transfer application form for each handgun that the recipient:

(i) possesses; and

(ii) may use with the ammunition the recipient seeks to procure.

(2) The transferor of handgun ammunition:

(A) shall record:

(i) the name and serial number listed on the recipient's license;

(ii) the manufacturer's serial number for the handgun listed on each federal handgun transfer application form provided by the recipient; and

(iii) the amount, type, and brand name of ammunition to be transferred;

(B) must receive all the information required under subdivision (1) before transferring the ammunition; and

(C) shall forward a copy of the information received under this section to the superintendent after the transferor delivers the ammunition to the recipient.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) The superintendent of the state police department shall adopt rules under IC 4-22-2 to implement IC 35-47-2-3, as amended by this act, before January 1, 2006.

(b) This SECTION expires January 1, 2006.

SECTION 5. An emergency is declared for this act.

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